

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JUN 18 2012

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2011-0217
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
MIRANDA SUE PADILLA,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20094802001

Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

Lori J. Lefferts, Pima County Public Defender
By Rebecca A. McLean

Tucson
Attorneys for Appellant

K E L L Y, Judge.

¶1 After a jury trial, appellant Miranda Padilla was convicted of two counts of custodial interference. The trial court suspended the imposition of sentence and placed her on concurrent one-year terms of probation. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she “has reviewed the entire record and has been unable to find

any arguably meritorious issue to raise on appeal.” Counsel has asked us to search the record for fundamental error. Padilla has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed Padilla had arranged for a neighbor to pick up her two daughters from school without the knowledge or permission of their father, who had sole legal custody of the girls. She directed the neighbor to bring the girls to two different homes and, although she told police officers looking for the girls that she did not know where they were, she communicated with the girls during the period when they were missing from their father’s custody. We further conclude the probationary terms are appropriate. *See* 2011 Ariz. Sess. Laws, ch. 224, § 1; 2009 Ariz. Sess. Laws, ch. 125, § 2.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, Padilla’s convictions and probationary terms are affirmed.

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge